

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED-CLERK
U.S. DISTRICT COURT
2011 DEC 12 AM 11:48
TEXAS-EASTERN

David E. Mack
Plaintiff

vs

FIRST SOURCE
ADVANTAGE, LLC
Defendant

Case No 4:11cv814

Judge Schneider

TRIAL BY JURY DEMANDED

ORIGINAL COMPLAINT FOR VIOLATION OF THE FCRA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. §1681p and 28 U.S.C §1331.
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is David E. Mack, a natural person, who resides in Collin County, Texas.
4. The Defendant in this lawsuit is FIRSTSOURCE ADVANTAGE, LLC an unknown entity with offices at 205 Bryant Woods South, Amherst, NY 14228

VENUE

5. The occurrences which give rise to this action occurred in Collin County, Texas and Plaintiff resides in Collin County, Texas.
6. Venue is proper in the Eastern District of Texas Sherman Division.

GENERAL ALLEGATIONS

7. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in the reports.
8. Plaintiff determined that his consumer credit report had been obtained on various occasions by various entities he did not recognize and without his consent.
9. Plaintiff found after examination of his TransUnion consumer credit report that Defendant FIRSTSOURCE ADVANTAGE, LLC had obtained Plaintiff's TransUnion consumer credit report on September 10, 2008.
10. Discovery of violations brought forth herein occurred in May 2011 and are within the statute of limitations as defined in FCRA, 15 U.S.C. § 1681p.

Count I

**VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA),
15 U.S.C. §1681 WILLFUL NON-COMPLIANCE BY DEFENDANT
FIRSTSOURCE ADVANTAGE, LLC**

11. Paragraphs 1 through 10 are realleged as though fully set forth herein.
12. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. § 1681a(c).
13. TransUnion is a credit reporting agency within the meaning of the FCRA, 15 U.S.C. § 1681a(f).
14. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S.C. § 1681a(d).
15. The FCRA, 15 U.S.C. § 1681b defines the permissible purposes for which a person may obtain a consumer credit report.

16. Such permissible purposes as defined by 15 U.S.C. § 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.
17. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for insurance from, or received a bona fide offer of credit from the Defendant FIRSTSOURCE ADVANTAGE, LLC.
18. At no time did Plaintiff give his consent for Defendant FIRSTSOURCE ADVANTAGE, LLC to acquire his consumer credit report from any credit reporting agency.
19. On September 10, 2009 Defendant FIRSTSOURCE ADVANTAGE, LLC obtained the TransUnion consumer credit report for the Plaintiff with no permissible purpose in violation of the FCRA, 15 U.S.C. § 1681b.
20. The action of Defendant FIRSTSOURCE ADVANTAGE, LLC obtaining the consumer credit report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C. § 1681b and an egregious violation of Plaintiff's right to privacy.

WHEREFORE, Plaintiff demands judgment for damages against Defendant, FIRSTSOURCE ADVANTAGE, LLC for statutory damages of \$1000.00, attorney's fees, and costs pursuant to 15 U.S.C. § 1681n.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: December 12, 2011

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252
972-735-9642

Service to:

FIRSTSOURCE ADVANTAGE, LLC
205 Bryant Woods South
Amherst, NY 14228